



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

---

*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

May 5, 2023

**BY ECF**

The Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: *United States v. Giorgi Kveladze, 22 Cr. 486 (JMF)***

Dear Judge Furman:

The Government respectfully submits this letter in light of the Court's decision orally to order forfeiture in the amount of the proceeds from the offense of conviction, totaling \$7,000, at the May 2, 2023 sentencing of the defendant, Giorgi Kveladze. The Government respectfully requests that the Court not include forfeiture in the written judgment. After reviewing the relevant statutes and conferring internally, the Government advises the Court that forfeiture is not legally available for the offense of conviction, a conspiracy to defraud the United States, specifically, the United States Department of Transportation, in violation of 18 U.S.C. § 371.

While forfeiture is not available under the offense of conviction, the Government notes that a fine is legally available, pursuant to 18 U.S.C. § 3571, and "the need to deprive the defendant of illegally obtained gains from the offense," is one among multiple factors for the Court to assess in imposing a fine, along with the defendant's ability to pay, 18 U.S.C. § 3572(a). Nonetheless, the Government recognizes that the Court already determined at sentencing (albeit after having intended to impose forfeiture in the judgment to disgorge illegal proceeds of the crime) that imposition of a fine was not appropriate because the defendant lacked the resources to pay a fine.

Accordingly, the Government respectfully requests that the Court modify the judgment of conviction.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

by: /s/  
Eli J. Mark/Matthew R. Shahabian  
Assistant United States Attorneys  
(212) 637-2431/-1046

Cc: Patrick J. Brackley, Esq. (by ECF)

Application GRANTED. The Court will enter an amended judgment without forfeiture in short order. *See* Fed. R. Crim. P. 35(a). Although the Court would have imposed a fine in the same amount had the Government cited the authority above at the time of sentencing, the Government does not cite, and the Court is not aware of, authority that would permit the Court to resentence the Defendant at this time. The Clerk of Court is directed to terminate Docket No. 32.

SO ORDERED

A handwritten signature in black ink, appearing to be 'Jau [unclear]', written over the 'SO ORDERED' text.

May 5, 2023